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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of	)	
	)	CC Dkt. No. 99-200
Number Resource Optimization	)	
	)	RM No. 9258
Connecticut Department of Public Utility	)	
Control Petition of Rulemaking to Amend the	)	
Commission's Rule Prohibiting Technology-	)	
Specific or Service-Specific Area Code Overlays	)	
	)	
Massachusetts Department of	)	NSD File No. L-99-17
Telecommunications and Energy Petition for	)	
Waiver to Implement a Technology-Specific	)	
Overlay in the 508, 617, 781 and 978 Area Codes	)	
	)	
California Public Utilities Commission and the	)	NSD File No. L-99-36
People of the State of California Petition for	)	
Waiver to Implement a Technology-Specific or	)	
Service-Specific Area Code	)	
	)	

Comments of Omnipoint Communications, Inc.

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## Summary

Omnipoint Communications, Inc. (“Omnipoint”) encourages the Commission to take an activist role and issue uniform, national conservation policies in order to ensure the continued viability of the NANP. The Commission must exercise its plenary authority over numbering issues and to create long-term solutions to the current shortages and NPA exhaust crises, which must in turn be implemented in a uniform, coordinated manner throughout the states. As Omnipoint indicates, the ongoing number resource problems are caused by structural inefficiencies built into the current design of the number allocation system, and cannot be resolved simply through short-term conservation methods.

Omnipoint urges that the Commission require states facing area code jeopardy to implement rate center consolidation as swiftly as possible, as a primary means of number conservation. As Omnipoint demonstrates, basing NXX allocations upon existing rate centers is both highly inefficient and the primary cause of premature area code exhaust. As a result, the current rate centers-based allocations will continue to consume scarce resources until the Commission implements comprehensive reforms. Reducing the number of rate centers will resolve a primary source of inefficiency in the current numbering regime, and will also prove the lowest cost, least disruptive, and most competitively neutral means of prolonging the life of the current NANP. In combination with rate center consolidation, Omnipoint supports granting the NANPA the administrative powers to obtain information from carriers, verify their number usage, perform audits, and reclaim underutilized resources.

As an additional means of number resource conservation, Omnipoint renews its request that the Commission reconsider its current policy against using of wireless-only and technology-specific overlays. As a wireless provider, Omnipoint has concluded that wireless-only or technology-specific overlays are no more discriminatory, inherently anticompetitive, nor any more harmful to consumers than the current rate center-based system of allocating number resources. In addition, Omnipoint strongly recommends that the Commission require that future NPAs be implemented as overlay codes instead of splits in order to maximize their effectiveness, and requests that the Commission consider replacing certain existing NPA splits with single, unified code overlays.

Omnipoint strongly opposes applying pooling methodologies to wireless providers. As demonstrated in Omnipoint's comments, number pooling, number porting, and permanent number portability are ineffective conservation methods as applied to wireless carriers. Moreover, there are serious flaws contained in the NANPA's recent number utilization projections regarding wireless carriers, and they are likely to have a far lesser impact on number resource exhaust than the NANPA has projected. Instituting mandatory number pooling measures against wireless providers prior to the year 2002 will also create serious (and acknowledged) technical and administrative problems, since such measures would occur before their scheduled participation in local number portability.

Lastly, Omnipoint opposes the proposal that carriers be required to pay for number resources. As Omnipoint indicates, the artificial creation of a "market" for numbers would be both counterproductive and anticompetitive in its effects on the marketplace, and would not necessarily increase efficiency. Turning number resources into a commodity will increase entry costs for new market entrants, to their significant disadvantage against

incumbent carriers, and will not discourage inefficient practices such as hoarding. Indeed, creating a “market” for number resources may provide incumbents with a means of pricing or bidding smaller, less established competitors out of the market. These results would run contrary to the Commission’s pro-competitive mandates under the Telecommunications Act of 1996, as well as Section 251(e)(2)’s specific requirement that the Commission ensure that the costs of numbering be borne on a competitively neutral basis.

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**Comments of Omnipoint Communications, Inc.**

Omnipoint Communications, Inc. ("Omnipoint"), by its attorneys, respectfully submits its comments in response to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding,<sup>1</sup> addressing means and methods of conserving telephone numbering resources, slowing the rate of area code exhaust, assisting and preserving competitive markets, and prolonging the life of the NANP.

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<sup>1</sup> See In the Matter of Number Resource Optimization et al., Notice of Proposed Rulemaking, CC Dkt. No. 99-200, RM No. 9258, NSD File Nos. L-99-17 and 99-36 (rel. June 2, 1999)("Public Notice").

**I. The Commission Must Take An Activist Role  
and Issue Uniform, National Conservation  
Policies to Ensure the Continued Viability of the NANP**

The Commission must take an activist role in coordinating centralized, national solutions to the current number resource crisis. In order to prolong the life of the current North American Numbering Plan ("NANP") and ensure that it continues operating as a viable and workable numbering system, it is essential that the Commission retain its plenary authority over numbering issues and issue uniform, national policies and guidelines regarding number resource conservation. As Omnipoint recently commented<sup>2</sup> – and as the Commission has itself concluded in the past<sup>3</sup> -- such standards will prevent the decentralization of the national numbering system, preserve its unified administration by the North American Numbering Plan Administrator ("NANPA"), and maintain the Commission's ability to design and implement long-term plans and policies for extending the life of the NANP.

It is also clear that uniform, national solutions to numbering issues are critical to the continued development of a competitive market. New market entrants such as

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<sup>2</sup> See Comments of Omnipoint to the Petitions by California, Massachusetts, New York, Maine, and Florida for Additional Authority to Implement Telecommunications Numbering Conservation Methods, NSD File Nos. L-98-136/L-99-19/L-99-21/L-99-27/L-99-33, at 1-5 (filed July 16, 1999)("Omnipoint State Comments").

<sup>3</sup> See Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Memorandum Opinion and Order and Order on Reconsideration, 1998 FCC LEXIS 5036 (1998) ("Pennsylvania Numbering Order"), at ¶ 21, citing In the Matter of Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois, Declaratory Ruling and Order, 10 FCC Record 4596, 4602 (1995)("Ameritech Order").



Omnipoint are currently struggling to gain sufficient number resources to serve their customers, and are wasting large amounts of time, money and human capital in doing so. In some instances, the current system has operated so poorly that wireless providers such as Omnipoint have been forced to seek extraordinary numbering relief from state regulators in order to meet their customer demands for service. Pursuant to its obligations under Section 253(d) of the Telecommunications Act of 1996 ("1996 Act"), the Commission must therefore reform the current numbering system so that it does not continue to obstruct competition.<sup>4</sup>

To prevent further anticompetitive conditions from developing, the Commission must not allow the states to implement short-term or experimental number conservation measures in the absence of uniform, national policies.<sup>5</sup> As Omnipoint has shown in previous comments, permitting the states to formulate and implement their own solutions in the absence of a central plan would decentralize the current numbering system, creating a state-by-state checkerboard of policies.<sup>6</sup> Such a system would be extremely difficult for the NANPA to coordinate, and it would also complicate the Commission's work in implementing its own number conservation policies in the future.<sup>7</sup> Moreover, since wireless providers generally serve multi-state licensed areas, they will suffer serious

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<sup>4</sup> As such, the Commission must assure that any number conservation measures that are taken must: (1) facilitate competition in the telecommunications marketplace by making number resources available to carriers both quickly and efficiently; (2) not unduly favor or disfavor any particular industry segment or group of consumers; and (3) not unduly favor one telecommunications technology over another. See 47 C.F.R. § 52.9(a).

<sup>5</sup> See Omnipoint State Comments at 1-5.

<sup>6</sup> Id.

compliance problems if the states are allowed to adopt uncoordinated and inconsistent numbering policies.

As the Commission is aware, wireless providers generally operate in multi-state licensed areas based on either Major Trading Areas (“MTAs”) or Basic Trading Areas (“BTAs”). Cellular carriers serve either Metropolitan Statistical Areas (“MSAs”) which are also multi-state, or Rural Service Areas (“RSAs”) which are state-specific. The local Mobile Switching Centers (“MSCs”) and associated peripheral systems which wireless providers use to serve these regions invariably serve customers in multiple states. Programming the MSCs to behave one way in State A and yet another way in State B is cumbersome, technically problematic, and extremely expensive. Consequently, if individual states are allowed to pick and choose from a wide menu of conservation methods – and do so in the absence of standard, well-defined requirements -- such improvisation will substantially increase the cost of the vendor-developed software for the MSCs.<sup>8</sup> Such results would drive up the costs of providing wireless services and hamper their development, and would harm both carriers and consumers without providing any corresponding benefit to the numbering system.

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<sup>7</sup> Id.

<sup>8</sup> The costs of custom tailoring the software of each MSC to comply with state-by-state conservation regimes would be high even if each MSC served only one state. The Commission must imagine the exorbitant costs and technical difficulties that would result if each MSC served two or three states, each with their own individual numbering requirements. Even wireline carriers face similar cost burdens if Central Office switch requirements, call processing databases and provisioning systems must be tailored to disparate numbering architectures.

It is also essential that in addition to maintaining a centralized numbering system, the Commission must respond to the current shortages of numbering resources by implementing long-term solutions, rather than short-term measures that will not resolve the underlying cause of the problem.<sup>9</sup> To do this effectively, the Commission must first exercise its jurisdiction under Section 251(e)(1) and complete its task of adopting uniform, national rules and procedures for implementing any numbering conservation.<sup>10</sup>

## **II. A Long-Term Solution to Number Conservation Depends Upon Rate Center Consolidation**

In addition to adopting uniform, national policies to guide conservation efforts, the Commission must take clear, decisive actions to implement rate center consolidation as a long-term solution to the current number resource shortages. Omnipoint therefore urges the Commission to require states facing area code jeopardy to implement rate center consolidation as swiftly as possible. As demonstrated below, a reduction in the number of rate centers will resolve the primary source of inefficiency in the current numbering system and swiftly resolve most shortages. In addition to its effectiveness, rate center consolidation should also prove the lowest cost, least disruptive, and most competitively neutral means of prolonging the supply of number resources in the current NANP.

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<sup>9</sup> See Omnipoint Comments to the Petition of the Florida Public Service Commission for Additional Authority to Implement Number Conservation Measures, File No. NSD-L-99-33, at 3-5 (filed May 14, 1999)(“Omnipoint Florida Comments”); see also Omnipoint Comments to the Petition of the New York Department of Public for Additional Authority to Implement Number Conservation Measures, File No. NSD-98-21, at 3-4 (filed April 5, 1999).

<sup>10</sup> See Omnipoint Florida Comments at 4.

Rate center consolidation should also be encouraged as a general measure, to ensure even those areas that currently enjoy ample numbering resources do not abruptly find themselves in a jeopardy situation due to the inherent inefficiency of employing large numbers of rate centers. Prevention, in these areas, is every bit as important as relief in the areas already suffering a shortage of number resources.

A. Basing NXX Allocations Upon Existing Rate Centers  
Is the Singular Cause of Premature Area Code Exhaust

As Omnipoint has previously indicated, the long-standing practice of basing NXX allocations upon existing rate centers is highly inefficient and is the singular cause of premature NPA exhaust. This practice will continue to consume scarce numbering resources until the Commission issues a comprehensive solution, and which will require the states to consolidate existing rate centers.

As the Commission is aware, the NANP is characterized by the ten-digit number format of NPA-NXX-XXXX. The NPA digits identify the "Numbering Plan Area" (the area code) to which the number is assigned, and the NXX digits identify the central office ("CO") switch or CO code to which the XXXX or line number is assigned.<sup>11</sup> The NPA-NXX combination is used to route calls in the public switched telephone network, as well as determining the "call rating" of telecommunications traffic based on its geographic location, and distinguishing between local and toll calls.<sup>12</sup>

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<sup>11</sup> See Number Resource Optimization Working Group, "Modified Report to the North American Numbering Council on Number Optimization Methods," at 1 (Oct. 21, 1998)("NROWG Report").

<sup>12</sup> Id. NPA-NXX has also served as the basis for certain specialized wireless and wireline services, such as Calling Party Pays, Wide Area Calling Plans, Uniform Access Dialing, Toll Free, Information Services (e.g., 900, 976), and others.

A rate center is a specific geographic location, identified by the vertical and horizontal coordinates associated with a telephone company's central office switch or its virtual equivalent. These coordinates have traditionally been used by wireline carriers to determine the distance between the originating and terminating numbers, for purposes of toll billing and for determining settlement payments between carriers.<sup>13</sup> A typical Numbering Plan Area ("NPA"), otherwise known as an area code, consists of approximately 100 such rate centers. There are currently about 19,200 rate centers serving approximately 200 active NPA geographies in the United States today.

Groups of NXXs with the same coordinates form individual rate centers. Rate centers, in turn, have traditionally been associated with the service areas of incumbent local exchange carriers ("ILECs"), and are designed and approved with the close involvement of state regulators. Groups of rate centers can be combined into Local Calling Areas ("LCAs") which are again developed by the ILECs and approved by the states. When a call originates and terminates within an individual LCA, there is no toll charge. Rate centers often cross municipal or county borders since their original definition was based on the ILEC's physical local loop distribution network. There are even instances where rate centers or LCAs cross state boundaries and where waivers were obtained to include small pieces of one state in the Local Access Transport Area ("LATA") of another state.

As the Commission has noted, the current number assignment guidelines require carriers that choose to rate their calls based on traditional ILEC rate centers to obtain one

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<sup>13</sup> Id.

NXX code for every rate center within the territory they serve, regardless of the carriers' actual subscriber base and need.<sup>14</sup>

The ILECs and state regulators are reluctant to change these longstanding practices, since altering them might entail inconvenience, switching changes and/or upgrades, transition expenses, and politically unpopular local rate adjustments. As a result, numbering resources are currently allocated to carriers on a rate-center-by-rate-center basis, in full NXX code blocks of 10,000, whether or not the underlying rate centers have any relation to the manner in which the carriers conduct their business. This glaring inefficiency has reached a critical point due to the proliferation of competitive carriers resulting from the opening of markets under the 1996 Act. The CLECs must generally adhere to the same methodology the ILECS have traditionally used in order to compete as local exchange carriers, and must obtain NXXs in the existing rate centers regardless of the number of customers they actually serve in that particular location.

Moreover, to accommodate local number portability, a CLEC must have a Local Routing Number ("LRN") assigned to it in that rate center.<sup>15</sup> This is true even though CLECs may not actually provide service using a network infrastructure that mirrors the ILEC, and may in fact serve an area much larger than that of the ILEC, encompassing

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<sup>14</sup> See Notice at ¶ 113, citing NROWG Report at 1.1.

<sup>15</sup> There is no technical reason why the ten-digit LRN must be inextricably tied to an actual block of 10,000 numbers, other than the fact that the current numbering guidelines say it must be so.

many rate centers.<sup>16</sup> By definition, the LRN, which is also of the form NPA-NXX-XXXX, must have NPA-NXX digits that mirror an actual NXX assigned to the CLEC in that rate center. This association of LRN to actual NANP numbers supports the need for each CLEC to have NXX resources in each rate center, but there are no overwhelming technical considerations that support such a requirement.

The existing number allocation system is even more wasteful when it is applied to wireless providers. As Omnipoint has previously indicated, due to the fundamental differences between wireline and wireless number utilization, wireless providers are inherently more efficient in their use of number resources.<sup>17</sup> While wireline carriers are currently required to obtain NXXs in every rate center in which they desire to compete, wireless providers have no such limitation since they serve larger multi-state (or even nationwide) local calling areas. Wireless providers typically only obtain NXXs in 10 to 13 percent of the rate centers in the area they cover. As a result, it would be possible for wireless providers to concentrate all of their NXXs in one rate center within an NPA were

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<sup>16</sup> See Texas Public Utility Commission Project No. 18438, Number Conservation Measures in Texas, "Texas Number Conservation Task Force Report," at 5 (rel. Dec. 31, 1997).

<sup>17</sup> See Omnipoint State Comments at 7-8. As the Commission has previously noted, wireless providers such as Omnipoint are efficient users of numbering resources. See id., citing In the Matter of Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability Obligations and Telephone Number Portability, Memorandum Opinion and Order, 1999 FCC LEXIS 641, at ¶ 47 (Feb. 9, 1999) ("LNP Forbearance Order"). Omnipoint does not "warehouse" NXX blocks, and achieves both high fill rates and rapid growth within the NXX blocks allocated to it. The competition of wireless and wireline carriers for numbers in the same rate centers, however, means that whatever efficiencies wireless providers such as Omnipoint achieve will be overshadowed by the inefficiencies of the wireline carriers, as well as the underlying inefficiency of the rate center-based allocation system itself.

it not for the toll and long distance charges that wireline carriers charge their customers to call wireless users. To minimize charges to wireline callers, wireless providers select specific rate centers within each NPA which are either local calls, or short range toll calls, from a large number of surrounding wireline rate centers. Likewise, when an additional NXX is required to meet growth in this group of rate centers, the wireless carrier typically obtains another NXX in the same rate center as the existing NXX resource rather than in one of the surrounding rate centers. Consequently, the two NXXs now form a common pool of available numbers for the entire area and efficiency is obtained. Omnipoint must stress here that the association of an NXX in a wireless context with a rate center is solely based on meeting the wireline-developed paradigm. Rate centers generally have nothing to do with pricing of services to wireless users.

While wireless providers are comparatively efficient, their reliance upon NPAs leaves them acutely exposed to numbering shortages. When a wireless provider suffers a shortage of numbers in any single wireless rate center, the shortage affects a service area ten times the size of an area served by a wireline carrier. The entire area served by the pool of numbers experiences the shortage. As a result, when a wireless carrier such as Omnipoint cannot obtain numbers in one of its rate centers, it will be unable to provide service in a large portion of its NPA.<sup>18</sup> In contrast, such a shortage would effect a wireline carrier in a single rate center, and will consequently be far less serious in its effects.<sup>19</sup> While the wireline carrier may be forced to use numbers from an adjacent rate

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<sup>18</sup> See Omnipoint State Comments at 7.

<sup>19</sup> Id.



center to meet a temporary shortage, the rating of most calls to and from subscribers given these numbers will have little to no effect. For the wireless carrier, however, the nearest source of available numbers may be in a rate center many miles away. While the wireless subscriber will not experience a noticeable, if any, change in wireless service charges, callers to the wireless subscriber will be forced to pay significant toll charges due to the remoteness of the wireless NXX's rate center. A casual review of the charges that wireline carriers levy for intraLATA toll calls that exceed ten or more miles strongly underscores this problem.

Wireless providers could attempt to game the existing system by requesting NXXs in every rate center they serve, in order to ensure availability of relatively proximate numbering resources. This practice, however, would only increase the current gridlock regarding NXX allocations, and would further speed the exhaustion of the current NPAs. Instead, a sound federal numbering policy is needed to ensure that inefficiencies such as the type described above do not continue. To Omnipoint's knowledge, wireless providers have refrained from employing such wasteful tactics.

B. Consolidating Existing Rate Centers Will Reduce the Impact of the So-Called "Rate Center Disparity" Issue

In 1997, when the architecture for local number portability was being developed between wireless and wireline carriers by a subcommittee of the North American Numbering Council ("NANC"), a critical issue was identified which – to date – remains unresolved. Since wireless carriers do not have numbering resources in every rate center, wireless customers are assigned telephone numbers with little or no relationship to the

geographic locations where the customers actually live. While a wireless customer may live in the rate center associated with their assigned telephone number, it is more likely that they live in a nearby rate center where the wireless carrier has no numbering resources.<sup>20</sup>

The “rate center disparity” arises because although any wireline customer’s phone number may be ported to a wireless carrier, only those select wireless customers that happen to live in the same rate center as their assigned wireless NXX may be ported to a wireline carrier. Since the requirement that numbers be ported only within rate centers is considered an underpinning to Local Number Portability by the wireline segment of the telecommunications industry, this problem has resisted resolution.

Although no numbering solution will totally eliminate this disparity, the consolidation of rate centers will significantly increase the likelihood that a wireless customer will live in the same rate center as their assigned phone number and will be able to port their wireless numbers to a wireline carrier.

C. Consolidating Existing Rate Centers Will  
Reduce the Inefficient Use of NXX Codes

As a long-term solution to the current numbering crisis, the Commission needs to resolve the current numbering regime’s reliance on existing rate centers. As such, rate center consolidation is the simplest manner in which the Commission can free and reallocate existing NXX codes. While some aggregation of rate centers has already taken

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<sup>20</sup> Wireless customers are often given the opportunity to select where they want their telephone number. A businessperson may want their wireless phone associated with the city in which they work, not their home. Omnipoint, which has roaming agreements with over 100 International wireless providers actually has customers who live overseas, but spend enough time in Omnipoint’s area to justify a local wireless account.

place in states such as Texas, Colorado, Connecticut, Minnesota and New Jersey, Omnipoint strongly believes that it must be implemented broadly, and established by the Commission as a primary means for freeing number resources where an existing NPA is in jeopardy.

Unlike other conservation methods, such rate center consolidation will cure much of the structural inefficiency that is built in to the current numbering system, and will thereby both extend the life of the NANP by reducing future demand and freeing a large amount of number resources for assignment. Specifically, while rate center consolidation will not create new numbering resources, it will reduce shortages by allowing carriers to distribute the numbers contained in an NXX code where they are needed, without reference/dedication to rate center geography within an NPA. This will permit carriers to better accommodate growth, and will also slow the depletion of unassigned numbers within an NPA by reducing demand. For example, if six rate centers were combined into a single service area, a carrier with six existing, partially-filled NXX codes would now be able to provide 60,000 numbers to customers wherever the demand existed (as opposed to being allocated 10,000 numbers apiece in six service areas, regardless of demand). Moreover, a new market entrant to this same service area would need only one NXX block of 10,000 numbers to initiate service, as opposed to obtaining 60,000 numbers in six areas to serve a minimal group of customers.

Omnipoint believes that effective rate center consolidation is more efficient than number pooling, and should serve to make number pooling unnecessary if it is extensively implemented. This is because number pooling mechanisms are inherently reactive, and merely shift resources within an inefficient framework, whereas rate center consolidation

actually resolves a structural cause problem driving the exhaustion of NPAs. As mentioned previously, there are currently 19,200 rate centers in the United States. These 19,200 rate centers, however, serve slightly more than 3200 counties or areas incorporated for census purposes. If, for example, the states were to require that rate centers be realigned to fit county borders (at a minimum), the nation would achieve a six-fold reduction in the number of rate centers. Since fewer than 50 of those counties have a population of over 1 million and only about 500 have a population of more than 100,000, rate center consolidation promises to uncouple a large number of NXX code resources from small service areas, thereby reducing or eliminating the numbering demands within a significant number of existing NPAs.

It is clear that rate center consolidation significantly reduces the demand for additional NXX codes by incumbent and competitive carriers. For this reason, rate center consolidation should be completed prior to implementing additional measures, such as any form of number pooling. Due to the great expense and difficulty of number pooling – as well as the inability of wireless providers to participate prior to implementing number portability in the year 2002<sup>21</sup> – Omnipoint strongly suggests that the Commission delay number pooling methodologies as long as possible, until other reforms and conservation measures have been given a chance to work. As discussed in greater detail below, Omnipoint believes that wireless providers should not be required to contribute number resources to pooling, draw numbers from a pool, or otherwise participate in mandatory number pooling until they are able to share in the benefits of any LRN-based methodologies.

D. Reasonable Administrative Measures Should Be  
Implemented to Allocate Resources and Verify Usage

It is important is that the NANPA be given the authority to obtain information from carriers, verify their number usage, perform audits, and reclaim underutilized number resources. The NANC has already agreed that NANPA may refuse to assign codes if the proper documentation has not been provided (subject to appeal to the Commission), Omnipoint therefore wishes to suggest several additional administrative measures.

Specifically, the NANP should be allowed to require carriers to give back NXX blocks that are unused or grossly underutilized once a rate center consolidation has been accomplished. If that carrier enjoys six NXX codes – and a total of 60,000 numbers – but has only has 1500 customers, they are obviously not using their resources effectively. Unless the NANP has the ability to reclaim such underutilized resources, incumbent carriers will continue to enjoy superior access to numbers over their competitors, and existing resources will not be available for reallocation.

Omnipoint also supports creating a formulated approach to reclaiming NXX codes and would recommend that carriers be permitted to retain a sufficient number of NXX codes to serve their existing customers, plus demonstrable six-month growth, plus an additional NXX block of ten thousand numbers as a buffer.<sup>22</sup> To prevent massive number changes in established areas Omnipoint would suggest that only NXXs failing to meet

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<sup>21</sup> See LNP Forbearance Order at ¶ 30.

<sup>22</sup> In Omnipoint's case, due to its growth rate it is necessary to maintain a certain amount of numbers in reserve simply to meet forecasted customer demand. In its Florida markets, for instance, Omnipoint is licensed by the Commission to cover over an area with over 4.5 million people ("POPs"). In this market, Omnipoint has run through a complete NXX code in a matter of weeks.

some level of utilization be considered for reclamation. Omnipoint believes these measures would compliment rate center consolidation, and would give the NANPA sufficient power to prevent self-interested gamesmanship by carriers while accommodating reasonable growth.

E.     The Interests of Non-ILECs Must Be Considered  
When Reforming the Current Rate Center System

The Commission is aware that if it were to adopt a nationwide numbering policy that was based on a geographic definition that served the billing functions of the ILECs, as opposed to the objectives of other carriers, the resulting policy could not serve the interests of competition. Yet to date, this is precisely what has occurred in the current jeopardy proceedings. As a result, rather than simply seeking a lowest-common-denominator solution in this rulemaking, under Section 253(e) of the 1996 Act the Commission must strongly consider the effects that its numbering policies will have upon the consuming public, competition generally, and wireless providers specifically. Moreover, the Commission must take the painful steps to provide sound policy and structure now, rather than leave the NANP in disarray as a problem for the next generation.

Due to the dominance of standards and policy-setting bodies by ILECs (primarily Tier One carriers), and through their strong influence on state regulators, the ILECs have sought to maintain the rate center regime.<sup>23</sup> As a result, numbering policies and guidelines

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<sup>23</sup> While larger carriers can afford to be represented at the numerous numbering-related proceedings, smaller carriers cannot afford such representation or the dedicated team of personnel that is needed to champion solutions that are not biased in favor of the ILECs. Since most of these standard-setting bodies operate on the basis of consensus (and since some of these bodies consider consensus to be the “lack of sustained

continue to be based around landline rate centers. For example, the Industry Numbering Committee's guidelines for administration of 1,000 block pooling – which is intended to support number resource conservation – presume that the existing rate center will be the basis for code conservation measures.<sup>24</sup> If not for the support of landline carriers in establishing these and similar guidelines, the rate center structure would not be inviolable.

For Omnipoint and similarly situated competitive carriers, the availability and efficient allocation of numbering resources is a stark competitive necessity. Omnipoint must compete both with incumbent carriers and other competitive carriers for sufficient number resources to serve its expanding customer base. As discussed above, if Omnipoint cannot obtain numbers for its customers – even within individual rate centers – it is shut down in that area, and literally cannot compete for business.<sup>25</sup>

For these reasons, competitive wireless providers such as Omnipoint cannot expect to improve their access to numbering resources so long as they participate in an allocation program designed according to inapplicable landline principles, and whose administration is inherently weighted to the needs of ILECs. A county-based architecture will eliminate

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opposition”), even larger CLECs are often faced with a solid body of opposition when proposing reforms, and are forced to abandon strategic principle to obtain short-term relief.

<sup>24</sup> See INC Thousand Block (NXX-X) Pooling Administration Guidelines at 1.0 (Jan. 27, 1999). As the Guidelines state, “(N)umber pooling, in the context of these guidelines, allows for the sharing of central office codes (NXXs) among multiple SPs *serving the same area*. All ten thousand numbers within each NXX code continue to be associated with the same rate area designation (i.e., V&H coordinates), but can be distributed among multiple SPs at the thousand block (NXX-X) level.” (emphasis added).

<sup>25</sup> See Omnipoint Florida Comments at 11.

the confusion of today's rate centers and immediately give some meaning to the distinction between local and toll charging.

F. Rate Center Consolidation Costs

Omnipoint also supports rate center consolidation in that it is the quickest and least expensive conservation method that is currently available. In past proceedings, states have often declined to pursue rate center consolidation due to the fear – promoted by the ILECs – that such measures would result in rate increases.<sup>26</sup> For example, the ILECs frequently argue that if rate centers are combined the “local” areas served toll-free will become larger, and the resulting loss of toll revenue will result in higher fees for basic telephone service. For this reason, many competitive carriers face conflicting interests. While a CLEC might favor rate center consolidation, many of these carriers are also providers of competitive intra-LATA toll services. As rate centers are consolidated, calls that were formerly toll now become local and are handled by the ILEC as local calls, rather than by the intraLATA toll carrier as toll calls. As a result, rate center consolidation represents lost revenue to these carriers.

While rate center consolidation will clearly cost money and cause technical inconvenience in the short term, it will cost far less in the long run than prematurely expanding or replacing the NANP. A requirement that the states and the ILECs start the process of rate center consolidation now, before any other means of number conservation is considered or attempted, will also spare the industry and the public from having to prematurely discard or supplement ineffective conservation measures at a later date.

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<sup>26</sup> See, e.g., Public Notice at ¶ 114.



### **III. The Commission Should Reconsider Employing Wireless-Only Overlays and Technology-Specific Overlays As Conservation Methods**

As Omnipoint has requested in previous comments, Omnipoint respectfully asks that the Commission reconsider the use of wireless-only or technology-specific overlays as an additional means of addressing number resource optimization.<sup>27</sup> In light of the serious problems that wireless providers have experienced in obtaining sufficient numbers to enter new markets and compete for customers under the current system, Omnipoint no longer believes that the Commission's policy against wireless-only or technology-specific overlays serves its purpose of promoting competition.

State-wide overlays, or expanded overlays based upon MTA boundaries, are an efficient means of resolving numbering shortages, and are no more discriminatory, inherently anti-competitive, nor any more harmful to consumers than the use of the current rate center-based methodology.<sup>28</sup> Unlike other conservation methods, they promise an immediate solution for wireless providers, which are at once a significant portion of the industry<sup>29</sup> and which are comparatively blameless for the current number resource shortages.<sup>30</sup>

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<sup>27</sup> See Omnipoint State Comments at 6-12.

<sup>28</sup> Id.

<sup>29</sup> Wireline carriers are competing for the same customers – and a new customer for one carrier is a lost customer for another. Wireline carriers are growing at a rate of 3 to 5 percent each year. In contrast, wireless providers are attracting large number of new subscribers and are growing at a net rate of 20 to 30 percent each year. See Omnipoint State Comments at FN 11.

<sup>30</sup> See LNP Forbearance Order at ¶ 47.

In addition, Omnipoint renews its support of wireless-only overlays in the absence of any finalized number conservation methodology guidelines, and requests that the Commission modify its decision in the Ameritech Order, which was codified in 47 C.F.R. § 52.19 (c)(3) (i) . As a wireless carrier, Omnipoint has concluded that wireless-only or technology-specific overlays are no more discriminatory, inherently anti-competitive, nor any more harmful to consumers than the current rate center methodology. While the Ameritech Order sought to protect wireless providers at a time when the full record on efficient wireless industry number utilization was not known, it is now appropriate for the Commission to revisit this ruling.<sup>31</sup>

Omnipoint recommends that the Commission specifically consider the following parameters for NPA-wide or state-wide overlays as means of addressing area code exhaust and number resource conservation: (a) mandatory assignment of NXXs from a new overlay code to wireless providers, paging carriers and carriers provisioning dedicated fax and data lines; (b) mandatory requirement that all new wireless handsets be assigned to the new overlay code; and (c) Commission forbearance from the mandatory ten-digit dialing requirement for all dialing within the existing or new NPAs as a result of the implementation of such a non-traditional overlay.

Omnipoint also recommends that wireless providers be asked to use commercially prudent methods to vacate their existing NXXs and return such NXXs to the NANPA for subsequent reassignment. Under no circumstances, however, should wireless providers be forced to make such NXX returns through measures such as number pooling.

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<sup>31</sup> See Omnipoint State Comments at 10.

Alternatively, if the Commission maintains its policy against wireless-only or technology-specific overlays, Omnipoint supports employing all-carrier overlay codes as a means of NPA relief. All-carrier overlays are quicker and less expensive to implement than number pooling, area code splits or realignments, or other similar measures. In addition, all-carrier overlays share the advantage of rate center consolidation in that they permit NXX codes to be allocated throughout the new NPA based on demand, rather than on geography or existing code boundaries.

As such, Omnipoint strongly recommends that the Commission require that future NPAs be implemented as overlay codes rather than splits, due to their greater efficiency and their better compatibility with rate center consolidation. Overlay codes have a minimal impact on existing customers, who do not need to change their telephone numbers and therefore avoid the confusion, costs and inconveniences cited in the Commission's Public Notice.<sup>32</sup> Overlay codes minimize the impact of the new NPA on emergency 911 systems and Public Safety Answering Points ("PSAPs"). As discussed above, overlays are also superior from a conservation standpoint in that they promote more efficient utilization of NXX codes, which are spread in a larger pool over a larger geographical area and can be allocated throughout the new NPA on demand rather than geographic boundaries.

As a final measure to increase efficiency, Omnipoint suggests that the Commission consider reversing the splits of certain existing NPAs, and replacing the splits with a single, unified overlay area. Such measures would be particularly effective in cases where the adjoining NPAs created by a geographic split have different utilization rates, and one

of the new NPAs is in greater risk of exhaust than the other. If coupled with rate center consolidation, Omnipoint believes that such reverse splits and overlays could significantly prolong the life of existing NPAs due to their greater efficiency.

**IV. The Commission Should Reject the Application of  
Any Pooling Methodologies Against Wireless Providers**

Omnipoint opposes the use of number pooling methodologies generally, and to wireless providers specifically, as a means to “solve” number resource conservation. Number pooling is by its nature a short-term solution that reshuffles existing resources without addressing the true, structural causes of area code exhaustion. Moreover, it is counterproductive to apply such measures to wireless providers in light of the clear, acknowledged technological barriers to doing so in the near term, as well as the minimal benefits of doing so.

**A. Number Pooling, Number Porting and  
Permanent Number Portability Are Ineffective  
Conservation Methods As Applied to Wireless Providers**

The utilization rates and efficiencies do not warrant wireless providers deploying thousand block pooling. Consequently, Omnipoint continues to oppose extending these comparatively ineffective conservation methods to wireless providers prior to their implementation of local number portability in the year 2002.

The NPA conservation methods of thousand block pooling, unassigned number porting and permanent number portability are similar in that each requires a portability architecture based upon Location Routing Numbers (“LRNs”). As the Commission is aware, this past February it revised the implementation schedule under which wireless

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<sup>32</sup> See Public Notice at ¶¶ 22-23.

providers are to implement local number portability (“LNP”).<sup>33</sup> As a result of this ruling, the deadline by which wireless providers were to implement number portability has been extended until November 24, 2002 -- a date concurrent with the conclusion of the five-year PCS build-out period. In granting this extension, the Commission ruled that it will “provide the industry with the flexibility to allocate its immediate resources toward network construction -- a goal proven to promote a competitive marketplace.”<sup>34</sup> The Commission also noted that “. . . [t]he public interest in efficient use of numbering resources is not harmed by this limited extension of the LNP deadline . . .”<sup>35</sup>

As shown above, wireless providers are efficient users of number resources. Moreover, the wireless industry has demonstrated to the Commission that wireless providers can ensure efficient utilization of numbering resources prior to November 24, 2002, during the period that they are not LNP-capable. Specifically, the Commission has observed in this regard that, “[t]he proposals submitted by wireless providers are helpful, and they demonstrate that there are certain number conservation techniques that are not LNP-based that can be implemented during the period in which wireless providers have been relieved from their current obligation to implement LNP.”<sup>36</sup> Indeed, the Commission has stated that it will further investigate non-LNP-based conservation methods, with the goal of creating new, uniform, federal rules that will “establish more control” over number administration. Id. Omnipoint strongly encourages these efforts.

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<sup>33</sup> See LNP Forbearance Order at ¶ 47.

<sup>34</sup> Id. at ¶ 49.

<sup>35</sup> Id. at ¶ 48.

B.     The NANPA's Number Utilization Study  
       Contains Flawed Projections of Number Exhaust

Omnipoint believes that the assumptions contained in the NANPA's recent Number Utilization Study are seriously flawed, specifically as they relate to wireless providers. As a result, the data does not support the NANPA's conclusion that wireless provider participation in thousand block pooling will significantly affect the life of the NANP.

On April 28, 1999, a team of industry experts who reviewed the NANPA study issued a critical report, disputing certain of the NANPA's findings and concluding that exhaust of the NANP may not happen until approximately 2022.<sup>37</sup> The report of the NANP Exhaust Review Team found that the primary drivers of exhaust were: a) the number of rate centers; b) the number of carriers; c) the number of rate centers in which a "mature" carrier would require NXXs; and d) the rate in which a "mature" carrier would grow beyond the number of rate centers required above. Overall, the NANP Exhaust Review Team found that CLEC NXX utilization was the dominant factor in NPA exhaust, given the NANPA's assumptions, and that short term exhaust of the NANP was not significantly impacted by the wireless segments of the industry (including paging).

The NANP Exhaust Review Team also called into question a number of the NANPA's assumptions regarding wireless providers, and pointed out that supporting data was never provided by the NANPA to resolve these issues (even though it was available). Some examples of errors found in the NANPA report follow:

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<sup>36</sup>     Id. at ¶ 47.

<sup>37</sup>     See Report of the NANP Exhaust Review Team (April 28, 1999).

- 1) The number of rate centers (as a whole) was maintained at more than 19,200 even though ILEC participants on the study team acknowledged that there would be significant reduction due to rate center consolidation;
- 2) The customer growth rate that the NANPA factored for wireless services was the highest of available estimates. Indeed, it was high enough to be considered unlikely in a statistical analysis. Although the Cellular Telecommunications Industry Association provided more conservative forecasts from a number of industry analysts, this information was never addressed;
- 3) The number of wireless providers in the NANPA's projections exceeded the number of licenses available.<sup>38</sup> No adjustment or account was taken of the economic viability of multiple carriers in a market<sup>39</sup>, nor of the potential impact of spectrum cap elimination or continued industry consolidation. Indeed, the NANPA refused to consider that in many markets one carrier holds more than one license.
- 4) The NANPA assumed that a "mature" wireless provider (other than paging) would require a presence in 2,749 rate centers. This number was derived by counting the total number of rate centers that had at least one wireless provider

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<sup>38</sup> At most, a typical wireless market would include two cellular licensees, six broadband PCS licensees, and one or two ESMR carrier licenses in a market, for a total of ten carriers. The NANPA's study projected 11 carriers per market in 2003, growing to 18 wireless providers in 2018. Id.

<sup>39</sup> Indeed, in the Commission's recently concluded re-auction of C-Block licenses, there were 34 licenses that were not bid upon by qualified entities. It is likely that this occurred because potential bidders felt the particular markets in which these licenses were located could not support additional competition.

with an assigned NXX. The NANP Exhaust Review Team thought this estimate was too high, since five different carriers might choose five different rate centers to serve the same geographical area and might never request overlapping NXXs in the other four rate centers. To correct this problem, the NANP Exhaust Review Team asked the NANPA to pick a truly “mature” carrier in each NPA, such as a cellular carrier, and provide a new count based on that criteria. The NANPA never provided the data, however.

5) The NANPA assumed that even a “mature” wireless provider would expand, and would require new NXXs at a rate of 2% more rate centers each year, throughout the life of the study. Although there is some expansion, the industry experts on the NANP Exhaust Review Team felt the 2% estimate was exceedingly high.

Since many of the factors questioned by the NANP Exhaust Review Team assume fixed percentage increases every year, their impact becomes extreme over the course of the NANPA’s long-term projection. As a result, to the extent that some or all of the NANPA’s assumptions are overstated, wireless providers are likely to have a far lesser impact on NANP exhaust than projected. Instead of being major drivers, wireless providers may be quite minor.

Omnipoint also wishes to point out that although it serves as the NANPA, Lockheed Martin/CIS is not strictly a neutral party in the number conservation process. With the expectation of becoming the administrator of number pooling, Lockheed Martin/CIS has a significant financial stake in convincing the Commission that number pooling is required in order to save the NANP. Moreover, since it is expected that their



fees would be directly related to the number of NXXs that are being pooled, convincing the Commission that wireless providers should be added to the pool is economically attractive.

As a result of the foregoing, Omnipoint strongly encourages the Commission to review the NANPA study with healthy skepticism, and to conduct independent fact-finding to support its decisions in this and related dockets.

C.     Instituting Mandatory Number Pooling or  
Expanding Deployment of Permanent Number  
Portability Would Create Serious Administrative Problems

The Commission clearly outlined the scope of authority delegated to the state commissions on area code matters in its Second Report and Order regarding local competition.<sup>40</sup> As the Commission is aware, the Second Local Competition Order granted state commissions the “authority to implement new area codes . . . [and choose] among available area code relief mechanisms,” but declined to delegate authority to state commissions to administer or allocate NXX codes.<sup>41</sup> As stated by the Commission, “[I]f each state commission were to implement its own NXX code administration [e.g. conservation] measures without any national uniformity or standards, it would hamper the efforts of the NANPA to carry out its duties as the centralized NXX code administrator . . . and could interfere with forecasting and projections for exhaust of the North American Numbering Plan and could force implementation of a new plan earlier than would

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<sup>40</sup>     See Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996).

<sup>41</sup>     See, e.g., Pennsylvania Numbering Order at ¶¶ 32-33.

otherwise be necessary to ensure that numbers are always available for telecommunications providers.”<sup>42</sup>

The Commission is currently working with the Industry Numbering Committee to adopt uniform thousand-block number pooling guidelines. In fact, the NANC is also in the process of concluding an investigation of a bid provided by Lockheed Martin/CIS on thousand-block number pooling administration. In the interim of such important work on national standards, implementing thousand block number pooling and the expansion of number portability deployment would be premature.

D. The Commission Should Not Allow Measures That Would Prematurely Impose Local Number Portability on Wireless Providers

Omnipoint supports the states’ efforts to adopt reasonable code conservation measures within the jurisdiction granted by the Commission. Furthermore, Omnipoint recognizes the Commission’s delegation of limited authority to state regulators to implement voluntary pooling trials. However, the Commission and the telecommunications industry have each acknowledged the fact that due to technical problems, number pooling and other LRN-based methodologies are not technically feasible for all segments of the telecommunications industry at the present time. As such, the Commission has justly extended the deadline by which wireless providers must implement number portability until November 24, 2002.<sup>43</sup>

Since allowing the states to implement number pooling and other methodologies based on LRN architecture would force PCS providers such as Omnipoint to prematurely

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<sup>42</sup> Id.

<sup>43</sup> See LNP Forbearance Order at ¶ 47.

confront the technical problems which the Commission acknowledged in the LNP Forbearance Order, the Commission should not grant this limited additional authority to implement these diverse conservation mechanisms.

E. The Commission Has Recognized  
Technological Constraints in the LNP Forbearance Order

As discussed above, the Commission recently extended the deadline by which PCS carriers must deploy local number portability until the year 2002. In doing so, the Commission stated that in spite of the fact that some wireless providers may be able to deploy number portability under accelerated schedules, “[w]e believe that to facilitate the goals of deploying portability in all major markets and to support nationwide roaming, the deadline we establish should be one that is realistic for the wireless industry as a whole.”<sup>44</sup>

Omnipoint recognizes that the LNP Forbearance Order also addressed the possibility of implementing national standards for various number conservation methodologies prior to the new deployment date for wireless LNP, including the possibility of implementing number pooling or other non-LNP methodologies. However, Omnipoint and the wireless industry are working with the state utility commissions in an effort to investigate methodologies that conserve numbering resources while providing all carriers equal access to numbering resources in spite of technical constraints. For example, Omnipoint supports the consideration of using rate center consolidation on a statewide basis, where technology permits. Omnipoint believes that such conservation methodologies are viable means of conserving NXX codes while considering current carrier technical constraints.

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<sup>44</sup> Id. at ¶ 30.

F.     The Commission Has Further Recognized the  
Capital Requirements On New Entrants Which Are  
Developing Networks and Establishing Service Quality

In addition to noting the current technical constraints on both wireless providers and some wireline carriers, the Commission has also balanced the significant capital constraints currently restricting their ability to become LNP capable. Primarily, the Commission noted the current financial constraints of PCS carriers, like Omnipoint, who are focusing their limited capital resources on their network build-out in compliance with the Commission five year requirement, as well as other requirements governed by the Commission. As the Commission detailed its investigation of these costs in the LNP Forbearance Order:

... [w]e believe that extending the LNP deadline until November 24, 2002 more appropriately balances the competitive costs and benefits of wireless LNP. The record demonstrates that the costs to the industry of implementing wireless number portability, though not prohibitive, are substantial.<sup>45</sup>

The Commission further added:

We agree with CTIA that requiring wireless carriers to implement number portability under the current schedule has the potential to divert available financial and technical resources from other initiatives that could have a more immediate impact on competition, such as network buildout. Indeed, our findings in the Third CMRS Competition Report suggest that in the next few years, investment in buildout will be critical to broadband CMRS carriers as they seek to improve coverage and service quality in response to growing consumer demand. In addition, CMRS carriers are currently devoting substantial resources to Y2K issues and to other regulatory requirements, such as E911 and CALEA, which are designed to meet important public interest needs but likely will result in some additional technical burden. Thus, if carriers are required to implement number portability within the same time frame as these other initiatives, this could

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<sup>45</sup>     Id at ¶ 37.

slow network buildout and system development efforts necessary to meet these other demands.<sup>46</sup>

In addition to having little value as a conservation method, requiring wireless providers to incur the additional, significant capital costs of number pooling at this time would hinder their ability to improve coverage and service quality – goals which the Commission has clearly recognized as in the public interest.

G. **Pooling and Porting Methodologies Will Not  
Produce Increased Efficiencies As Applied to Wireless Providers**

For wireless providers, number pooling is “solution” that is worse than the problem. First, number pooling neither increases efficiency nor expands the supply of available numbers for wireless providers. As discussed above, Omnipoint already achieves high fill rates in each of its service areas. In any event, wireless providers such as Omnipoint are already efficient users of numbering resources, with high fill rates within their allocated NXX blocks, and thousand block pooling or other LNP-based methodologies will not substantially improve their utilization rate. As discussed above, Omnipoint is concerned that number pooling would work to disadvantage both it and similarly situated wireless providers by prematurely imposing extra costs without effectively resolving the current shortage of numbering resources.

V. **The Commission Should Not Assess Fees  
Or Require Payment Before Allowing Access to Number Resources**

Omnipoint strongly opposes the Commission’s proposal that carriers be required to pay for access to numbering resources, either through auctions or an undefined

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<sup>46</sup> Id at ¶ 38.

“market” mechanism.<sup>47</sup> It is an economic fallacy to assume that turning telephone numbers into a commodity will result in their fair, just and efficient distribution, or that such a measure is in any way a substitute for reforming the policies underlying the current system. Such a measure would be both counterproductive and anticompetitive, and would not necessarily increase efficiency.

Whether such prices were set or whether they were allowed to “float” in a competitive bidding system, it is clear that allocating available number resources on the basis of money would significantly disadvantage new market entrants. Purchasing or bidding for telephone numbers would add uncertainty to the process of initiating service in a new market. It would also require new market entrants to make significant outlays of money, and would thereby force such carriers to expend scarce capital that would be better spent on building their networks, bidding for wireless spectrum, attracting customers, or improving service.

Contrary to the Commission’s assumptions, simply attaching a market-determined or administratively-determined “price” to number resources will also not discourage inefficient uses such as hoarding, especially by incumbent local exchange carriers, which can simply absorb the costs into their public ratebase.<sup>48</sup> Indeed, as the Commission correctly noted in the Notice, a market-based mechanism for allocating number resources would almost certainly inhibit competition by adding costs and administrative burdens

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<sup>47</sup> See Public Notice at ¶¶ 225-240.

<sup>48</sup> See id. at ¶ 235.

which would be disproportionately felt by new market entrants.<sup>49</sup> Capital imbalances between competitors will always mean that larger, richer, more established carriers will enjoy greater cash reserves, and an existing customer base to which the incumbent may spread its costs. Competitive carriers do not have these advantages. Worse, if the “price” for number resources was allowed to be determined by supply and demand, or by auctions, large and incumbent carriers would essentially be able to bid smaller competitors out of the market. Rather than resolving a competitive bottleneck, the Commission would be exacerbating it, and would do so without resolving the underlying scarcity of number resources.

Omnipoint also wishes to stress that attempting to create a money-based “market” for numbering resources is no substitute for policy decisions, and will do little or nothing to resolve the rate center-based crisis described above. As demonstrated above, it is not carrier “demand” for numbers or carrier malfeasance that is causing the current shortage so much as the current architecture of the system itself. As a result, an artificially created “market” will only overlay an inefficient system, and will not resolve the underlying problem driving NPA exhaust.

In sum, attaching an artificial “market” to number resources will neither resolve faulty policies nor seriously curb any waste or abuse by carriers with the money and motives to continue wasteful, inefficient uses of numbers. These negative effects on market entry clash with the Commission’s own conclusion that any numbering measures it takes must be competitively neutral. See 47 U.S.C. Section 251(e)(2).

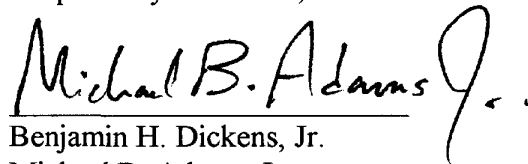
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<sup>49</sup> See *id.* at ¶ 230.

## **VI. Conclusion**

For the foregoing reasons, Omnipoint encourages the Commission to take an activist role in resolving number conservation problems and ensuring the continued viability of the NANP. The first step of this process must be for the Commission to issue national numbering policies designed to improve the current numbering system's efficiency and ensure that conservation measures are implemented in a uniform, coordinated manner. In doing so, Omnipoint strongly suggests that the Commission consider requiring the states to implement rate center consolidation as a primary means of number conservation. Omnipoint respectfully renews its request that the Commission reconsider the current policy against the use of wireless-only and technology-specific overlays, and encourages the Commission to reject applying pooling methodologies to wireless providers. Lastly, Omnipoint opposes the proposal that carriers be required to pay for number resources as unworkable, counterproductive, and anticompetitive in its effects on the marketplace.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael B. Adams, Jr." with a stylized flourish at the end.

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